

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

Case Number: 19-CR-3113 JB

AMANDA SILVA, *et al.*

Defendant.

**OPPOSED MOTION TO SET CONDITIONS OF RELEASE FOR
DEFENDANT AMANDA SILVA**

COMES NOW Defendant Amanda Silva, by and through her Criminal Justice Act appointed counsel of record, Charles Fisher, and files this Motion to Set Conditions of Release for Defendant Amanda Silva.

Undersigned counsel has conferred with counsel for the government, Assistant United States Attorney Kristopher Houghton and Assistant United States Attorney Robert Goldaris, and they oppose this Motion.

On September 23, 2019, before United States Magistrate Judge Karen Molzen, Defendant Amanda Silva entered pleas of Not Guilty to both the conspiracy Count alleged in Count 1 of the Indictment, alleging conspiracy to distribute a mixture and substance containing methamphetamine in violation of 21 U.S.C. §841(a)(1) and 21 §U.S.C. 841(a)(1)(C), and Count 14 of the Indictment alleging possession with intent to supply a mixture and substance containing methamphetamine in violation of 21 U.S.C. §841(a)(1) and 21 §U.S.C. 841(a)(1)(C).

On September 25, 2019, again before United States Magistrate Judge Karen Molzen, Amanda Silva requested release to the third party custody of her mother, Frances Silva. Amanda Silva has worked as a carer for the elderly for many years. She has worked in that capacity and

wishes to continue to do so. She indicated her preparedness to submit herself to any required drug testing.

United States Magistrate Judge Karen Molzen ordered that Defendant Amanda Silva be detained pending the trial. See Exhibit 1, Order of Detention of Defendant Amanda Silva, dated 9/25/2019 [*Doc. 94*].

Defendant Amanda Silva's current Pretrial Services Officer is Daniel Stewart. He interviewed her on September 23, 2019. Apparently, Ms. Silva was less than cooperative with Pretrial Services Officer Stewart. She declined to answer a number of questions that Pretrial Services Officer Stewart asked her.

Undersigned counsel has requested that Defendant Amanda Silva be interviewed again by United States Pretrial Services. Ms. Silva is prepared to be interviewed again and this time is prepared to cooperate fully with the interview process. Ms. Silva is currently detained at the McKinley County Adult Detention Facility. Her Inmate Number is 07493151. Undersigned counsel believes that a fresh interview would enable Ms. Silva to restore confidence in her ability to answer all questions in a truthful manner.

Undersigned counsel believes that there are conditions of release that could be fashioned to enable Ms. Silva to be entrusted to the third party custody of her mother, Frances Silva.

Ms. Silva has worked as a carer for the elderly for many years.

Ms. Silva is fully prepared to undergo drug testing. She will also cooperate with any and all conditions that would be imposed on her.

WHEREFORE, premises considered, undersigned counsel respectfully requests that United States Probation and Pretrial Services be permitted to conduct another interview with Defendant Amanda Silva at the McKinley County Adult Detention Facility in Gallup, New

Mexico; that the Court consider the results of that subsequent interview with Defendant Amanda Silva; and that the Court impose such conditions as will enable Defendant Amanda Silva to remain at liberty until the trial takes place; and for such further relief to which the Court determines Defendant Amanda Silva may be entitled.

Respectfully submitted,

/s/ Charles Fisher

Charles Fisher, Esq.

105 Bryn Mawr Drive SE

Albuquerque, New Mexico 87106

Tel. (505) 247-4099

Fax (505) 268 1162 (fax)

e-mail: cfisher@3lionslawyer.com

Attorney for Defendant Amanda Silva

Certificate of Service

I hereby certify that, on October 17, 2019, the foregoing pleading was filed electronically pursuant to CM/ECF procedures for the District of New Mexico, which caused the parties and/or their counsel to be served by electronic transmission, as more fully reflected by the Notice of Electronic Filing.

/s/ Charles Fisher

Charles Fisher